

states to share their motor vehicle databases. The REAL ID Act mandates the documents that states must require to issue driver's licenses and requires states to place uniform information on every driver's license in a standard, machine-readable format, and it prohibits federal agencies and federally regulated commercial aircraft from accepting a driver's license or identification card issued by a state that has not fully complied with the act. The Act places a costly unfunded mandate on states, with initial estimates for New Mexico of more than thirty-seven million dollars (\$37,000,000) over five years and national estimates of more than eleven billion dollars (\$11,000,000,000) over the next five years. The Act requires the creation of a massive public sector database containing information on every American that is accessible to all motor vehicle employees and law enforcement officers nationwide and that can be used to gather and manage information on citizens, and this is not the business or responsibility of government. The REAL ID Act enables the creation of additional massive private sector databases, combining both transactional information and driver's license information gained from scanning the machine-readable information contained on every driver's license. These public and private databases are likely to contain numerous errors and false information, creating significant hardship for Americans attempting to verify their identities in order to fly, open a bank account or perform any of the numerous functions required to live in the United States today.

The Federal Trade Commission estimates that ten million Americans are victims of identity theft annually, and, because identity thieves are increasingly targeting motor vehicle departments, the REAL ID Act will enable the crime of identity theft by making the personal information of all Americans, including date of birth and signature, accessible from tens of thousands of locations. The REAL ID Act requires a driver's license to contain a person's actual home address and makes no exception for individuals in potential danger, such as undercover law enforcement or victims of stalking or criminal harassment, and the Act contains onerous record verification and retention provisions that place unreasonable burdens on the motor vehicle division and on third parties required to verify records.

The REAL ID Act will place enormous burdens on consumers seeking new driver's licenses such as longer lines, higher costs, increased document requests and a waiting period. The Act will place state motor vehicle staff on the front lines of immigration enforcement by forcing state employees to determine federal citizenship and immigration status, excessively burdening both foreign-born applicants and motor vehicle staff.

The REAL ID Act passed without sufficient deliberation by congress and did not receive a hearing by any congressional committee or a vote solely on its own merits, despite opposition from more than six hundred organizations. The Act eliminated a process of negotiated rulemaking initiated under the Intelligence Reform and Terrorism Prevention Act of 2004, which had convened federal, state and local policymakers, privacy advocates and industry experts to solve the problem of the misuse of identity documents. The Act provides little security benefit and leaves identification systems open to insider fraud, counterfeit documentation and database failures.

Be it resolved by the legislature of the State of New Mexico that it support the government of the United States in its campaign against terrorism, while affirming the commitment of the United States that the campaign not be waged at the expense of the essential civil rights and liberties of the citizens of this country. The policy of the state of New Mexico is to oppose any portion of the REAL ID Act that violates the rights and liberties guaranteed under the constitutions of New Mexico or the United States, including the bill of rights. Be it further resolved that the New Mexico legislature enact no legislation nor authorize an appropriation to further the passage of the REAL ID Act in New Mexico, unless such appropriation is used exclusively for the purpose

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of undertaking a comprehensive analysis of the costs of implementing the REAL ID Act or to mount a constitutional challenge to the act by the state attorney general. The New Mexico legislature urges the New Mexico congressional delegation to support measures to repeal the REAL ID Act.

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